

MEDICAL BOARD STAFF REPORT

DATE REPORT ISSUED: August 1, 2021
 ATTENTION: Members, Medical Board of California
 SUBJECT: Enforcement Program Summary
 STAFF CONTACT: Jenna Jones, Chief of Enforcement

Requested Action:

This report is intended to provide the Members with an update on the Enforcement Program at the Medical Board of California (Board). No action is needed at this time.

Expert Reviewer Program:

There are currently 589 active experts in the Board's expert database. Expert program analysts receive monthly reports of experts with expiring contracts and utilize this information to renew contracts. Expert program analysts routinely process billing submitted by experts and work with HQIU and Deputy Attorney General staff to provide assistance selecting an expert for cases assigned to their units. Advertisement for the following specialties were in the Board's July 2021 Newsletter:

- Addiction Medicine with added certification in Family or Internal or Psychiatry
- Clinical Genetics
- Colon/Rectal Surgery
- Dermatology
- Family Medicine
- Gastroenterology
- Hematology
- Neurological Surgery
- Neurology
- Obstetrics and Gynecology (with added expertise in Gynecologic Oncology)
- Orthopaedic Surgery
- Pathology (preferably from: Orange, Riverside, Sacramento, San Bernardino, San Diego, San Francisco, and Ventura Counties)
- Pain Medicine
- Pediatric Gastroenterology
- Pediatric Surgery
- Pediatric Cardiac Surgery
- Pediatric Critical Care
- Pediatric Pulmonology
- Plastic Surgery
- Psychiatry (Forensic and Addiction)
- Radiation Oncology
- Surgery (General and Endocrine Surgery)
- Thoracic and Cardiac Surgery
- Urology (General and Gender Reassignment)

- Vascular Surgery
- Midwife Reviewer

Central Complaint Unit:

The average number of days to initiate a complaint in the Central Complaint Unit (CCU) is 3 for the fourth quarter of FY 2020-2021, which is within the timeframe mandated by Business and Professions Code section 129(b). The average days to complete the processing of a complaint in CCU is 122 days. CCU staff and management continue to work diligently to reduce the aging of all complaint types.

CCU currently has one vacant Staff Services Manager I (SSMI) position, one vacant part-time Associate Governmental Program Analyst (AGPA) position, and three vacant Staff Services Analyst (SSA) position. The SSMI position is due to an employee accepting a position in the Board's Discipline Coordination Unit (DCU). The part-time AGPA vacancy is due to the employee leaving state service. The AGPA position was advertised, and applications are being reviewed to schedule interviews. Interviews for the vacant SSA positions were conducted and management is working with human resources to finalize pending hiring clearances.

The initial audit of CCU files was completed and the results will be discussed with the managers and staff. A quality compliance process is being initiated to assure all current letters are being utilized to provide updates to complainants on the status of their case. To assure continuity, we are extending a quality review process that will address each area of Enforcement.

The medical consultant program receives a monthly report of consultants with expiring contracts and utilize this information to renew contracts. Medical consultant program staff continue assigning cases that require specialty review to consultants, follow up on cases checked out to consultants for 30 days or more, and routinely process billing submitted by consultants. Advertisement for the following specialties were in the Board's July 2021 newsletter:

- Cardiac Surgery
- Colon and Rectal Surgery
- Dermatology
- Gynecology
- Interventional Cardiology
- Interventional Radiology
- Neonatal/Perinatal
- Neurological Surgery
- Pain Medicine
- Plastic Surgery
- Thoracic Surgery
- Vascular Surgery

Complaint Investigation Office:

The Complaint Investigation Office (CIO) non-sworn investigators currently have a caseload of approximately 32 cases each. Since the last enforcement summary, CIO has closed 62 cases and has transmitted 21 cases to the Attorney General's Office (AGO). Of the transmittals for administrative action, four were criminal conviction cases, twelve were malpractice cases, four involved vaccine exemptions, one involved unprofessional conduct and four were petitions for reinstatement of licensure. The CIO also referred four cases to the Board's Citation and Fine Program, and two cases for a Public Letter of Reprimand.

Discipline Coordination Unit:

The Discipline Coordination Unit (DCU) currently has a new manager and several new team members. There is one vacant Office Technician (OT) position which should be filled shortly.

DCU management and staff continue to work on updates to the procedure manual and needed documents, while also working to file administrative actions timely.

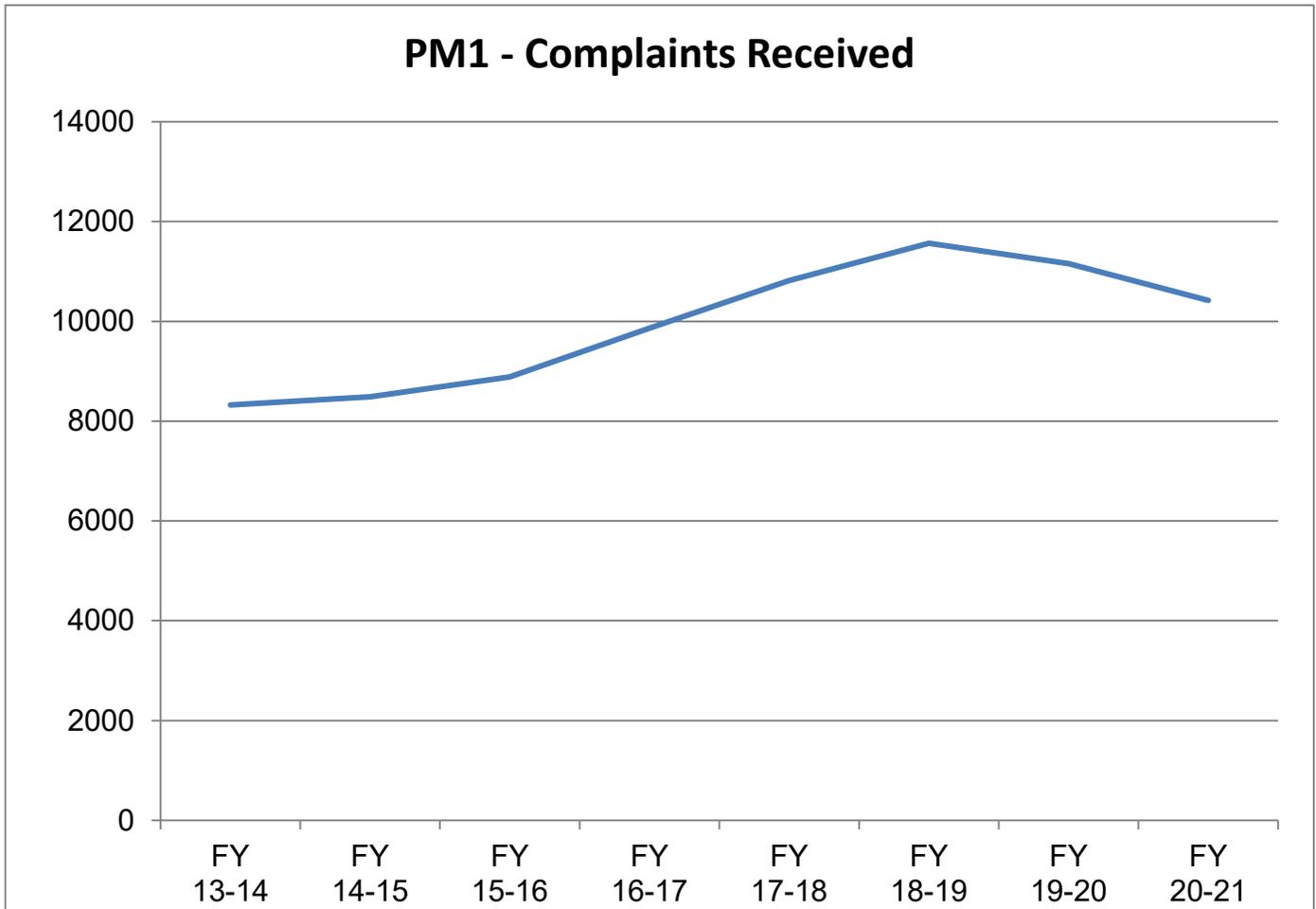
Probation Unit:

The Probation Unit has one vacancy.

Processes and forms used by the Probation Unit are being reviewed and revised if needed to provide the most complete picture of the status of licensees on probation. The discussion regarding the alternatives for the Practice Monitor process is continuing, a final report has not been submitted.

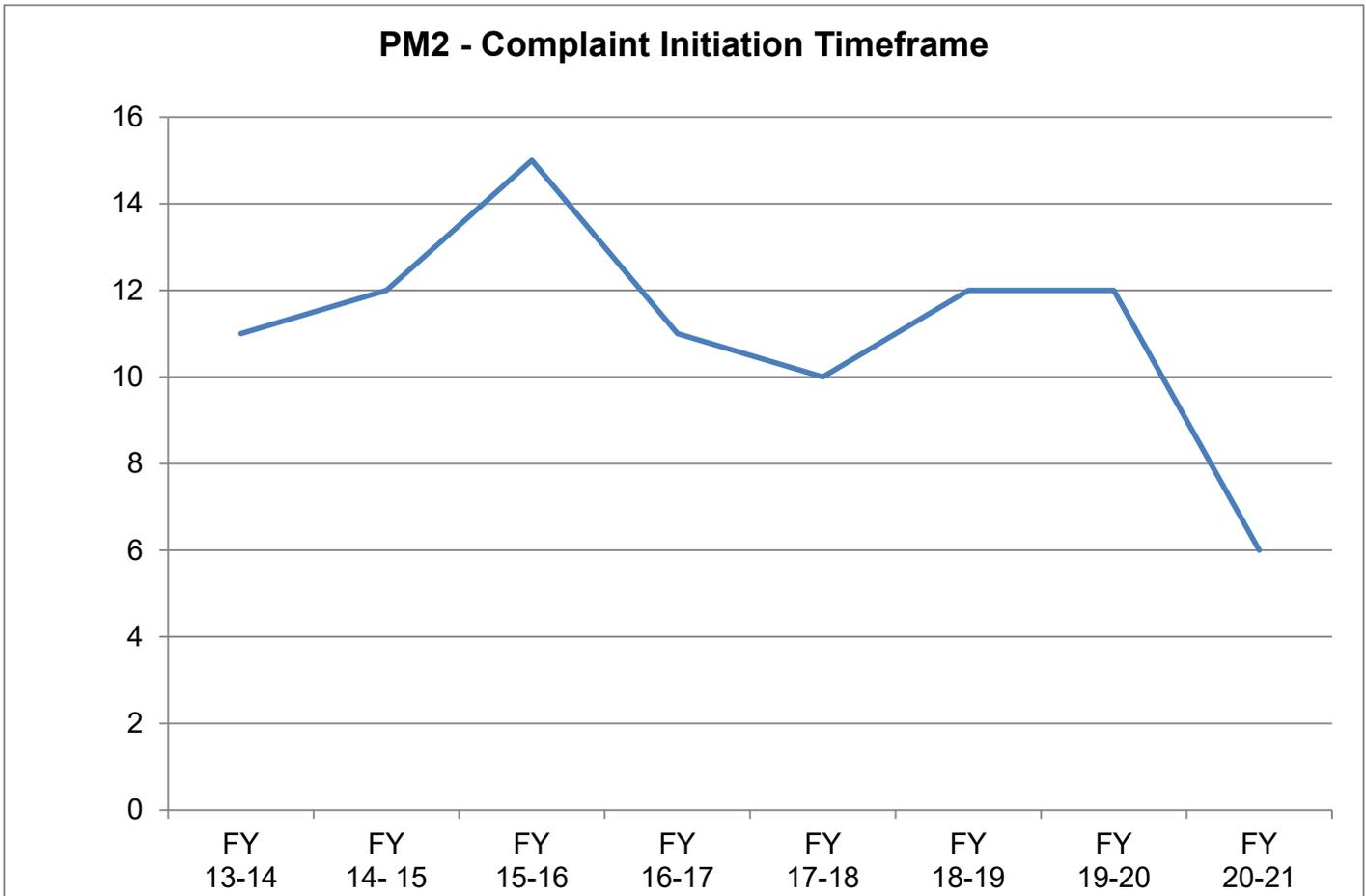
Probation Inspectors continue to telework but have returned to conducting quarterly interviews at work sites when possible. If a face-to-face interview at a work site is not feasible due to COVID-19, interviews are conducted via Microsoft Teams.

**Medical Board of California Enforcement Program
PM1 - Complaints Received**



| Month | FY 13-14 | FY 14-15 | FY 15-16 | FY 16-17 | FY 17-18 | FY 18-19 | FY 19-20 | FY 20-21 |
|---------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|
| Volume | 8325 | 8490 | 8885 | 9862 | 10817 | 11565 | 11155 | 10418 |

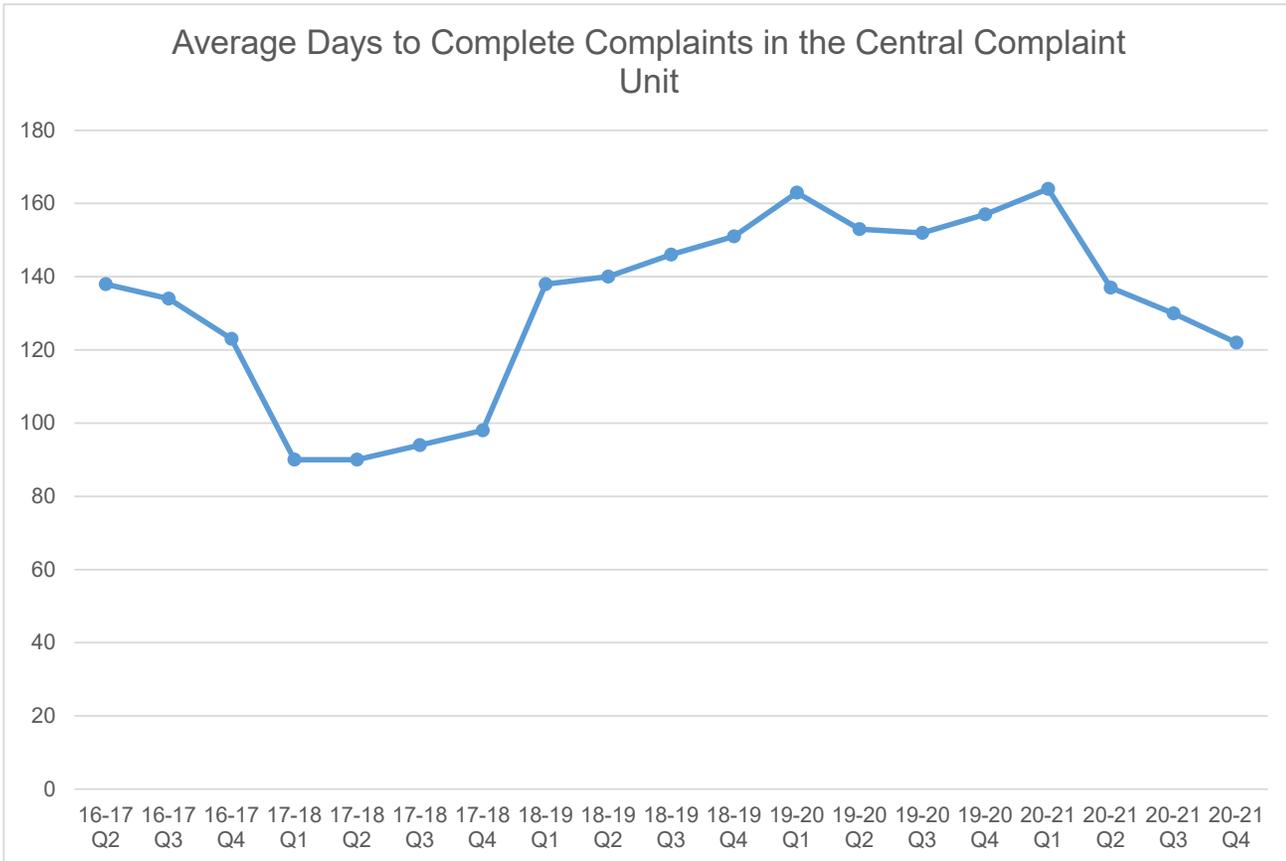
**Medical Board of California Enforcement Program
PM2 - Complaint Initiation Timeframe**



| Month | FY 13-14 | FY 14-15 | FY 15-16 | FY 16-17 | FY 17-18 | FY 18-19 | FY 19-20 | FY 20-21 |
|-------------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|
| Cycle Time | 11 | 12 | 15 | 11 | 10 | 12 | 12 | 6 |

**Medical Board of California Enforcement Program
Average Days to Complete Complaints in the Central Complaint Unit**

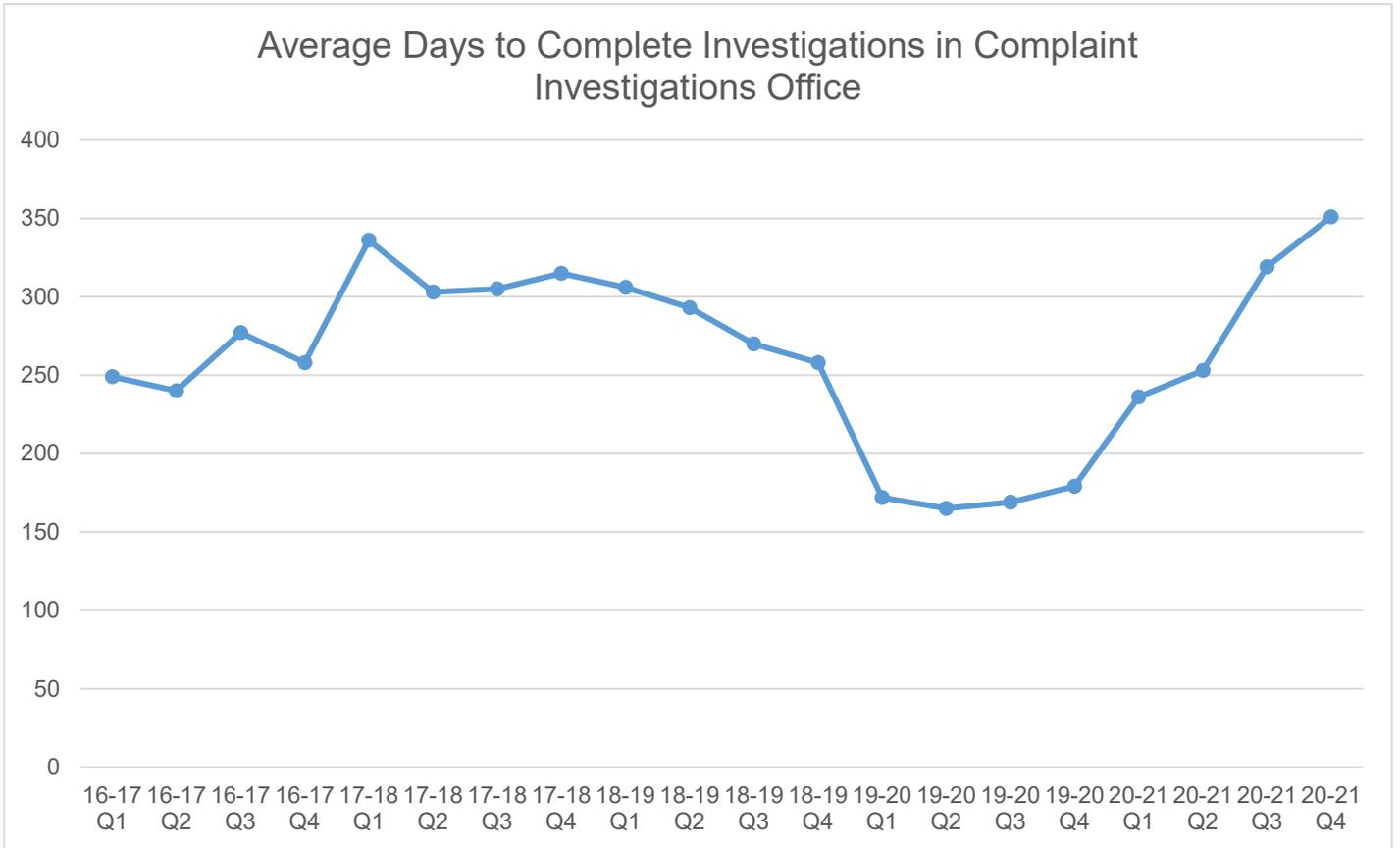
| Quarter | Fiscal Year 16-17 | Fiscal Year 17-18* | Fiscal Year 18-19 | Fiscal Year 19-20 | Fiscal Year 20-21 |
|-----------|----------------------|-----------------------|----------------------|----------------------|----------------------|
| Quarter 1 | 154 | 90 | 138 | 163 | 164 |
| Quarter 2 | 138 | 90 | 140 | 153 | 137 |
| Quarter 3 | 134 | 94 | 146 | 152 | 130 |
| Quarter 4 | 123 | 98 | 151 | 157 | 122 |



Average Days to Complete Complaints in Complaint Unit includes complaints resolved by Complaint Unit and Complaint Unit processing days for cases completed at field investigation.

**Medical Board of California Enforcement Program
Average Days to Complete Investigations in Complaint Investigations Office**

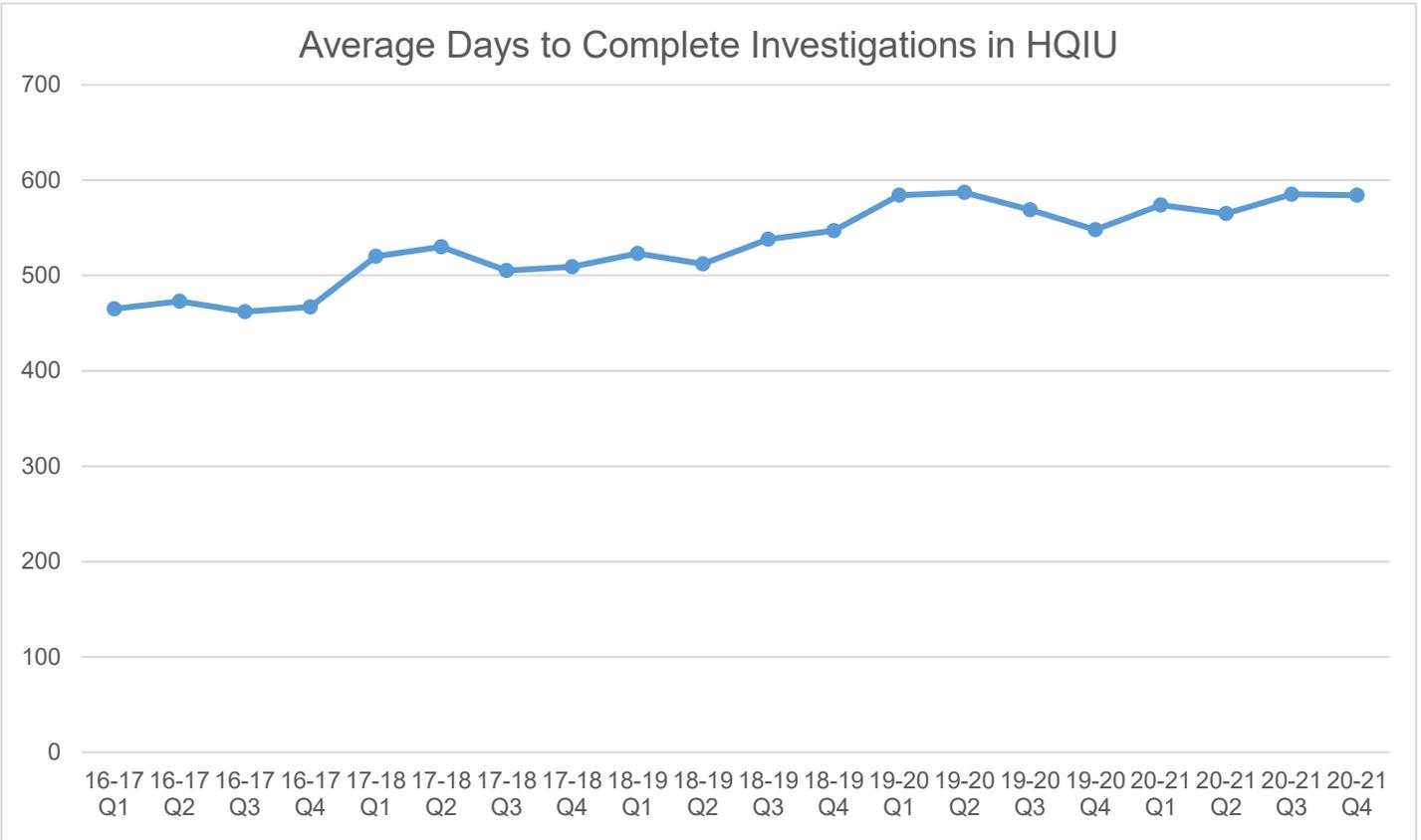
| Quarter | Fiscal Year 16-17 | Fiscal Year 17-18 | Fiscal Year 18-19 | Fiscal Year 19-20 | Fiscal Year 20-21 |
|-----------|----------------------|----------------------|----------------------|----------------------|----------------------|
| Quarter 1 | 249 | 336 | 306 | 172 | 236 |
| Quarter 2 | 240 | 303 | 293 | 165 | 253 |
| Quarter 3 | 277 | 305 | 270 | 169 | 319 |
| Quarter 4 | 258 | 315 | 258 | 179 | 351 |



Investigation processing days are from the date case was assigned to Complaint Investigation Office (CIO) Investigator by Complaint Unit until closure or referral (does not include Complaint Unit processing days for complaints completed at CIO). Includes physician and surgeon data only.

**Medical Board of California Enforcement Program
Average Days to Complete Investigations in HQIU**

| Quarter | Fiscal Year 16-17 | Fiscal Year 17-18 | Fiscal Year 18-19 | Fiscal Year 19-20 | Fiscal Year 20-21 |
|-----------|----------------------|----------------------|----------------------|----------------------|----------------------|
| Quarter 1 | 465 | 520 | 523 | 584 | 574 |
| Quarter 2 | 473 | 530 | 512 | 587 | 565 |
| Quarter 3 | 462 | 505 | 538 | 569 | 585 |
| Quarter 4 | 467 | 509 | 547 | 548 | 584 |



Effective 7/1/18 investigation processing days are from the date the case was referred to HQIU until closure or referral (this does not include Complaint Unit processing days for complaints completed at HQIU). This includes post-investigation processing time by HQIU, and review time by the Attorney General and Board after the investigation is completed, which is an average of 17 days through June 2021. Includes physician and surgeon data only.

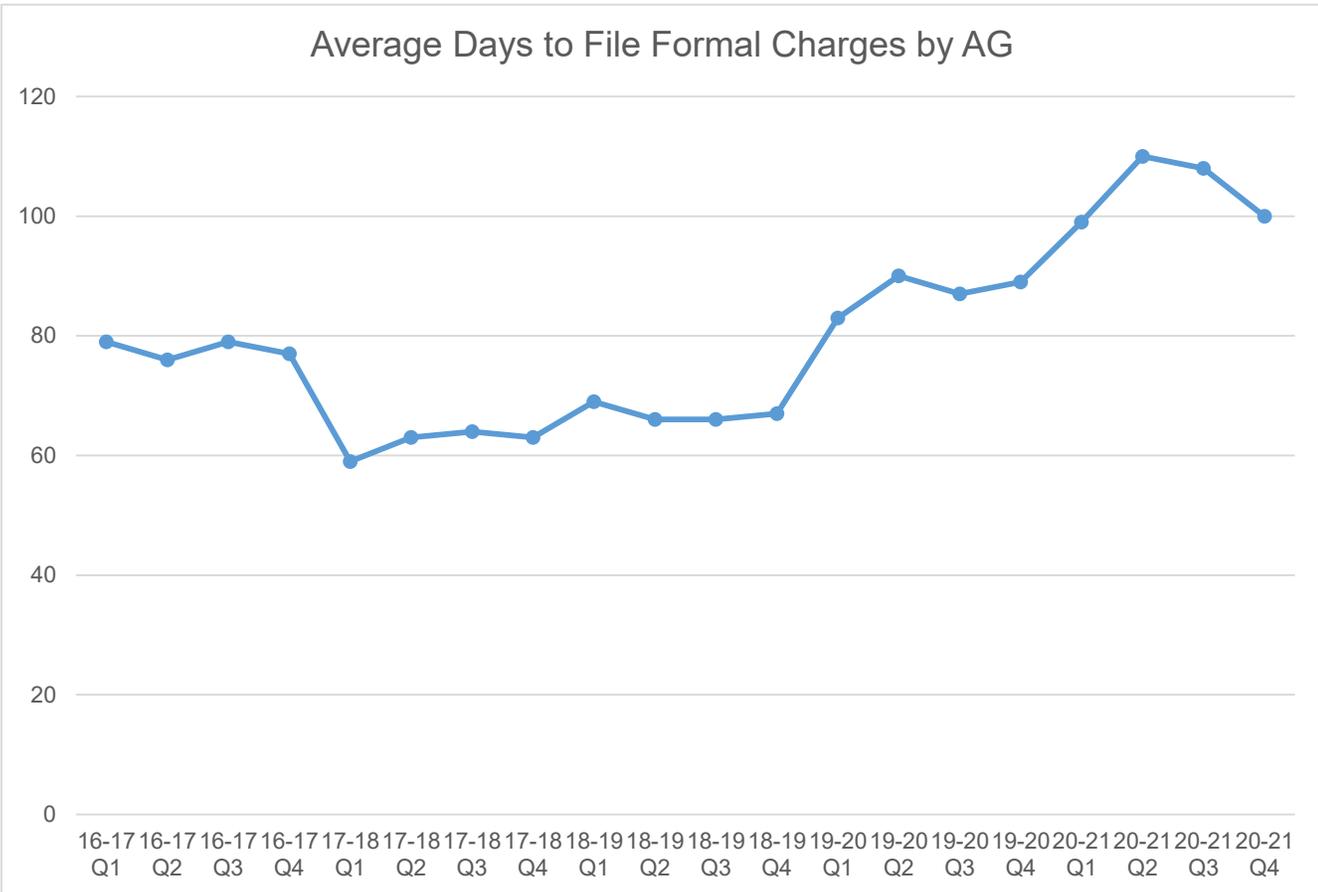
**California Enforcement Program
Average HQIU Investigation Days by Case Type**

| Case Type by Fiscal Year | 16-17 | 17-18 | 18-19 | 19-20 | 20-21 |
|---------------------------------|--------------|--------------|--------------|--------------|--------------|
| Overall | 467 | 509 | 548 | 548 | 584 |
| Gross Negligence/Incompetence | 485 | 549 | 597 | 561 | 588 |
| Inappropriate Prescribing | 649 | 564 | 548 | 665 | 651 |
| Unlicensed Activity | 351 | 450 | 482 | 529 | 659 |
| Sexual Misconduct | 425 | 493 | 494 | 426 | 460 |
| Mental/Physical Illness | 373 | 399 | 460 | 481 | 476 |
| Self-Abuse of Drugs/Alcohol | 351 | 528 | 413 | 417 | 416 |
| Fraud | 492 | 328 | 661 | 469 | 560 |
| Conviction of a Crime | 455 | 396 | 585 | 528 | 444 |
| Unprofessional Conduct | 435 | 504 | 565 | 492 | 483 |

Effective 7/1/18 investigation processing days are from the date the case was referred to HQIU until closure or referral (this does not include Complaint Unit processing days for complaints completed at HQIU). This includes post-investigation processing time by HQIU, and review time by the Attorney General and Board after the investigation is completed, which is an average of 17 days through June 2021. Includes physician and surgeon data only.

**Medical Board of California Enforcement Program
Average Days to File Administrative Charges Prepared by the
Office of the Attorney General**

| Quarter | Fiscal Year 16-17 | Fiscal Year 17-18 | Fiscal Year 18-19 | Fiscal Year 19-20 | Fiscal Year 20-21 |
|----------------|------------------------------|------------------------------|------------------------------|------------------------------|------------------------------|
| Quarter 1 | 79 | 59 | 69 | 83 | 99 |
| Quarter 2 | 76 | 63 | 66 | 90 | 110 |
| Quarter 3 | 79 | 64 | 66 | 87 | 108 |
| Quarter 4 | 77 | 63 | 67 | 89 | 100 |



Average Days to File Formal Charges are the days from the date the case is referred to the AG's Office until formal charges are filed. Includes physician and surgeon data only.

ENFORCEMENT TIMEFRAMES

| Fiscal Year | 16-17 Average | 16-17 Median | 17-18 Average | 17-18 Median | 18-19 ¹ Average | 18-19 ¹ Median | 19-20 Average | 19-20 Median | 20-21 ² Average | 20-21 ² Median |
|------------------------------------------------------------------------------------------------------------------------------|--------------------------|-------------------------|--------------------------|-------------------------|---------------------------------------|--------------------------------------|--------------------------|-------------------------|---------------------------------------|--------------------------------------|
| COMPLAINT PROCESSING | 123 | 89 | 98 | 58 | 151 | 122 | 157 | 111 | 122 | 54 |
| INVESTIGATION PROCESSING - MBC - CIO (Complaint Investigation Office) | 258 | 203 | 316 | 251 | 258 | 127 | 179 | 133 | 351 | 283 |
| INVESTIGATION PROCESSING - HQIU (Health Quality Investigation Unit) | 467 | 431 | 510 | 483 | 547 | 502 | 548 | 517 | 584 | 585 |
| TOTAL MBC & HQIU DAYS | 141 | 104 | 119 | 68 | 179 | 141 | 171 | 127 | 143 | 68 |
| TOTAL MBC & HQIU YEARS | 0.39 | 0.28 | 0.33 | 0.19 | 0.49 | 0.39 | 0.47 | 0.35 | 0.39 | 0.19 |
| AG PREP - Attorney General Preparation for Accusation/Petition to Revoke/Accusation & Petition to Revoke/Statement of Issues | 77 | 62 | 63 | 51 | 67 | 55 | 89 | 70 | 100 | 72 |
| POST - Accusation/Petition to Revoke/Accusation & Petition to Revoke/Statement of Issues | 455 | 368 | 322 | 285 | 333 | 311 | 369 | 345 | 384 | 351 |
| ACCUSATION DECLINED BY AG | 25 | 14 | 114 | 19 | 53 | 32 | 48 | 29 | 45 | 30 |
| TOTAL AG DAYS | 473 | 328 | 327 | 286 | 339 | 312 | 374 | 354 | 470 | 447 |
| TOTAL AG YEARS | 1.30 | 0.90 | 0.90 | 0.78 | 0.93 | 0.85 | 1.02 | 0.97 | 1.29 | 1.22 |
| TOTAL MBC & AG DAYS | 1034 | 1040 | 926 | 939 | 1016 | 1057 | 1090 | 1110 | 1129 | 1193 |
| TOTAL MBC & AG YEARS | 2.83 | 2.85 | 2.54 | 2.57 | 2.78 | 2.90 | 2.99 | 3.04 | 3.09 | 3.27 |

Years calculated using 365 days per year

¹ Effective 7/1/18 investigation processing days are from the date the case was referred to HQIU for investigation until closure or referral (this does not include Complaint Unit processing days for complaints completed at HQIU).

² Data through 6/30/21.

Includes physician and surgeon data only.

Pending Enforcement Caseload Summary¹

Data Current as of July 20, 2021

| | 0-3 Months | 4-6 Months | 7-9 Months | 10-12 Months | 1 Year | 2 Years | 3 Years | 4 Years | Over 4 Years | Total by Group | Previous Quarter Data | Variance | % Variance |
|------------------------------------------------------------------|--------------|--------------|------------|--------------|------------|------------|-----------|----------|--------------|----------------|-----------------------|----------|------------|
| Central Complaint Unit | 1,206 | 675 | 278 | 82 | 42 | 1 | 0 | 0 | 0 | 2,284 | 2,226 | 58 | 3% |
| Complaint Investigation Unit | 49 | 36 | 15 | 13 | 49 | 17 | 0 | 0 | 0 | 179 | 207 | -28 | -14% |
| Health Quality Investigation Unit | 194 | 223 | 191 | 153 | 528 | 188 | 0 | 0 | 0 | 1,501 | 1,582 | -81 | -5% |
| Completed Investigations Awaiting Disposition² | 24 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 24 | 44 | -20 | -45% |
| Citation and Fine Desk | 55 | 25 | 7 | 25 | 142 | 1 | 1 | 0 | 0 | 256 | 235 | 21 | 9% |
| Out-of-State Desk | 28 | 5 | 2 | 3 | 2 | 0 | 0 | 0 | 0 | 40 | 108 | -68 | -63% |
| AG Services³ | 21 | 20 | 10 | 3 | 4 | 1 | 0 | 0 | 0 | 59 | 61 | -2 | -3% |
| AG-Pre⁴ | 104 | 33 | 20 | 31 | 40 | 11 | 8 | 1 | 1 | 249 | 289 | -40 | -14% |
| AG-Post⁵ | 100 | 96 | 78 | 59 | 67 | 15 | 6 | 4 | 2 | 427 | 414 | 13 | 3% |
| Total by Age | 1,781 | 1,113 | 601 | 369 | 874 | 234 | 15 | 5 | 3 | 5,019 | 5,166 | -147 | -3% |

¹ Includes physician and surgeon data only.

² Represents the number of completed investigations returned by HQIU to the Board for review and determination of outcome.

³ AG Services includes petitions to compel, subpoena enforcement, and referrals for citation appeals.

⁴ AG-Pre includes cases transmitted to the AG but the Accusation/Petition to Revoke/Accusation & Petition to Revoke/Statement of Issues is not yet filed.

⁵ AG-Post includes Accusation/Petition to Revoke/Accusation & Petition to Revoke/Statement of Issues that have been filed.

* Probation Monitoring caseload removed at the request of the Board.